

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
**IN MEDICINE AND SURGERY**

IN THE MATTER OF:

) Case No.: ~~3436~~ 3667  
)

**CHARLES R. LINDSAY, D.O.**  
Holder of License No. 0793

) **FINDINGS OF FACT, CONCLUSIONS**  
) **OF LAW AND ORDER**  
)

For the practice of osteopathic medicine in the  
State of Arizona

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On January 12, 2006, the AZ Board of Osteopathic Examiners (hereafter "Board") received information for the Medical Radiologic Technology Board of Examiners alleging possible violations of state and rule against the above captioned licensee.

On February 16, 2007 the Board notified Charles R. Lindsay, D.O. (hereafter known as Respondent") of this complaint and requested a response to the allegations contained therein.

On March 27, 2006, the Respondent provided an answer to the Board and included copies of pertinent records.

On March 3, 2007, the Board conducted its initial review of this and voted to refer this matter to an Investigative Hearing.

On April 28, 2007 the Board invited the Respondent to an investigative hearing. The Respondent appeared and participated in the proceeding. The Respondent was not represented by legal counsel.

After hearing testimony and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Decree of Censure.

**JURISDICTIONAL STATEMENTS**

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the

1 practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,  
2 registered, or permitted to practice osteopathic medicine in the State of Arizona.

3 2. Respondent is the holder of License No. 0793 issued by the Board for the practice  
4 of osteopathic medicine in the State of Arizona.

### 5 FINDINGS OF FACT

6 1. On or between September 2004 and June 2005, the Respondent employed at least  
7 one medical professional that was practicing radiologic technology outside his scope of licensure  
8 with the Medical Radiologic Technology Board of Examiners.

9 2. During the informal interview conducted on April 28, 2007, the Respondent  
10 admitted that this had taken place and accepted responsibility for his actions as the employer.

### 11 CONCLUSIONS OF LAW

12 1. The conduct described in Findings of Fact 1 through 2 herein constitutes  
13 unprofessional conduct as defined at A.R.S. § 32-1854 (6), which states, "Engaging in the  
14 practice of medicine in a manner that harms or may harm a patient or that the Board determines  
15 falls below the community standard."

16 2. The conduct described in Findings of Fact 1 through 10 herein constitutes  
17 unprofessional conduct as defined at A.R.S. § 32-1854 (38), which states, "Any conduct or  
18 practice that endangers a patient's or the public's health or may reasonably be expected to do  
19 so."

### 20 ORDER

21 Pursuant to the authority vested in the Board,

22 1. **IT IS HEREBY ORDERED** that Charles R. Lindsay, Holder of osteopathic  
23 medical License number 0793, is issued a DECREE OF CENSURE pursuant to the provisions of  
24 A.R.S. § 32-1855 (E)(4).  
25



ISSUED THIS 18<sup>th</sup> DAY OF MAY 2007.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: \_\_\_\_\_

Jack Confer, Executive Director

**NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure" filed this 18<sup>th</sup> day of May, 2007 with the:

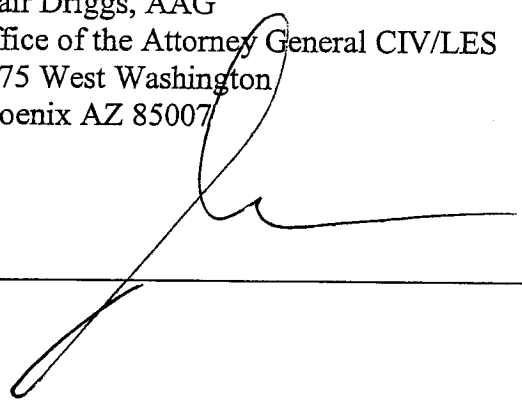
Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" send by certified mail, return receipt requested this 18<sup>th</sup> day of May, 2007 to:

Charles R. Lindsay, D.O.  
4263 Highway 68, Suite C  
Golden Valley, AZ 86413

1 Copies of the foregoing "Findings of Fact,  
2 Conclusions of Law and Order for Decree  
3 of Censure" sent via regular mail this 18<sup>th</sup>  
4 day of May, 2007 to:

5 Blair Driggs, AAG  
6 Office of the Attorney General CIV/LES  
7 1275 West Washington  
8 Phoenix AZ 85007



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